

EXHIBIT W

Gannon, Kevin

From: Asim Bhansali <abhansali@kblfirm.com>
Sent: Wednesday, March 10, 2021 11:21 AM
To: Seeve, Brian
Cc: Matthias Kamber; abruns@keker.com; Carrie J. Parker; Gayle-Luz, Keisha; Gannon, Kevin; Singular; nathan.speed@wolfgreenfield.com
Subject: Re: Singular Computing LLC v. Google LLC - C.A. No. 1:19-cv-12551-FDS - Logistical issues for David Patterson Depo 3/10

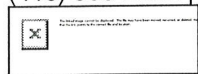
Brian,

In light of your statement yesterday that the deposition would not go forward, we released Dr. Patterson. He is available on March 25, April 7, or April 8. Please let us know on which of those dates Singular would like to proceed. We'll need to address the deposition logistics further before the selected date.

Regards,

Asim Bhansali

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On Wed, Mar 10, 2021 at 6:28 AM Seeve, Brian <bseeve@princelobel.com> wrote:
Dear Asim and Matthias,

We are surprised that we have not yet received a response to our request to meet and confer, given the urgency of the issues involved and the fact that Dr. Patterson's deposition is scheduled to take place in just a few hours.

Let me be clear: we would view a "no-show" by Dr. Patterson as an unacceptable failure on the part of Google to meet its discovery obligations. We expect Dr. Patterson to appear for his deposition at Noon Eastern today, as scheduled more than a week ago and agreed-to by Google.

Best,

Brian

On Mar 9, 2021, at 10:34 PM, Seeve, Brian <bseeve@princelobel.com> wrote:

Dear Asim,

As I told you earlier, Singular is not willing to play along with Google's attempts to change the agreed-upon parameters of Dr. Patterson's deposition at the last minute, based on Google's unsubstantiated insinuations about "security concerns" that are wholly unsupported by evidence or explanation. Through its unilateral demands—communicated to Singular for the first time on the eve of deposition—Google has reneged on its promise to produce Dr. Patterson as scheduled, and therefore his deposition will not take place tomorrow.

We view Google's refusal to produce Dr. Patterson as promised to be a matter of grave concern. Throughout this litigation, Google has exhibited cavalier disregard for its discovery obligations and contempt for the rules of the Court. Singular would like to meet and confer with Google regarding this matter at the earliest possible opportunity so these issues can be brought before the Court in short order.

Best,

Brian Seeve

On Mar 9, 2021, at 10:17 PM, Asim Bhansali <abhansali@kblfirm.com> wrote:

Brian,

Google is prepared to proceed with the deposition in a way that protects its confidential information and doesn't risk its information being seen by unauthorized persons, which would risk both harm to Google and a violation of the protective order. As Matthias noted, there are a number of security risks with Zoom, as well as with other platforms. We are willing to examine the possibility of using Agile Law further for future depositions, but we are not in a position to consent to transmission of Google's confidential information over Agile Law without further evaluation. As you are no doubt aware, even established legal vendors have suffered security hacks, so we simply cannot consent to using Agile Law based on what we know now.

As was noted in Matthias's email earlier today, we are willing to proceed with one of two secure options: with Veritext, the vendor you say Singular originally wanted to use, at our expense for this deposition, using Google Meet and Drive to secure confidential information, or with Esquire over WebEx using Drive for exhibits. You have offered no reason why one of these options isn't feasible for tomorrow's deposition. The Veritext reporter has been set up and the Drive links are prepared.

Please let us know by 8 pm PT whether you will proceed tomorrow using either of the options we have proposed. We need to let Dr. Patterson know if he should, as he currently is planning to and prepared to, appear for deposition at 9 am tomorrow morning.